

EXHIBIT B
Declaration of Jeff Kelley, Esq.

LOWENSTEIN SANDLER PC

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Counsel to David Irwin

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re)
)
) Chapter 11
MOTORS LIQUIDATION COMPANY, *et al.*,)
f/k/a General Motors Corp., *et al.*) Case No. 09-50026 (REG)
) Jointly Administered
Debtors.)
)

DECLARATION OF JEFF KELLEY, ESQ. IN SUPPORT OF MOTION OF DAVID IRWIN FOR RELIEF FROM THE AUTOMATIC STAY TO CONDUCT LIMITED INTRUSIVE TESTING OF DEBTORS' PROPERTY

I, Jeff Kelley, Esq., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney in the law firm of Harding & Associates, P.C., which maintains offices at 730 16th Street, Suite 650, Denver, Colorado 80202. I represent David Irwin in litigation relating to injuries he suffered in a motor vehicle accident. I am familiar with the matters set forth herein, and make this declaration in support of the *Motion of David Irwin for Relief From the Automatic Stay To Conduct Limited Intrusive Testing of Debtors' Property* (the "Motion") filed contemporaneously herewith.¹

2. A true and correct copy of the Sales Invoice documenting Irwin's purchase of the Vehicle is annexed hereto as Exhibit 1.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

3. A true and correct copy of the State of Colorado Traffic Accident Report detailing the Collision is annexed hereto as Exhibit 2.

4. A true and correct copy of the Estimate of Repairs and Preliminary Supplement With Summary, prepared by M&M Auto, is annexed hereto as Exhibit 3.

5. A true and correct copy of the letter dated April 1, 2009 from Paul Olle, ACE ESIS GM Central Claims Unit, to Phil Harding, Esq. is annexed hereto as Exhibit 4.

6. A true and correct copy of the letter dated May 25, 2009 from Bastiaan E. Cornelissen, Ph.D., P.E. to Robert I. Lapidow, Esq. is annexed hereto as Exhibit 5.

7. Prior to the filing of the Motion, I attempted to contact Debtors, their restructuring advisor, and their bankruptcy counsel via e-mail on numerous occasions to obtain the Debtors' consent to access the Vehicle to perform the Testing, to no avail. True and correct copies of my e-mail messages to and from the Debtors and their professionals are annexed hereto as Exhibit 6.²

8. On October 28, 2010, I spoke via telephone with Ms. Cheryl Ashton of ESIS, who confirmed that the Vehicle was still in storage, but stated that she could not permit access to the vehicle without speaking to the Debtors' counsel. Not having received a response, I telephoned Ms. Ashton on January 19, 2011 and left her a voicemail message. She returned my call the same day and informed me that she would work on providing access to the Vehicle to perform the Testing, and that she would call me back with contact information for the appropriate individual. To date, I have received no further information from ESIS or the Debtors regarding access to the Vehicle.

² Exhibit 6 has been redacted to remove Irwin's personal e-mail address, which was copied on two e-mail messages. The redactions are clearly marked in black. Upon request of the Court, I will gladly provide the Court with an unredacted copy of Exhibit 6 for *in camera* inspection.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: Denver, Colorado
March 11, 2011


Jeff Kelley, Esq.

Exhibit 1
Sales Invoice

GEBHARDTAUTO.COM

BMW • VOLKSWAGEN • SAAB

www.gebhardtauto.com

3150 TWENTYEIGHTH STREET BOULDER COLORADO 80301

TEL 303 444 1644 FAX 303 444 1808

2470 FORTYNINTH STREET BOULDER COLORADO 80301

TEL 303 447 8000 FAX 303 444 0136

4740 VALMONT ROAD BOULDER COLORADO 80301

TEL 303 447 8000 FAX 303 996 1405

DATE 08/30/08

SALES PERSON GEOFFREY E GAI

STOCK # SB053

CUSTOMER #

PURCHASER DAVID EDWARD IRWIN

PURCHASER

ADDRESS 352 CORTEZ ST

CITY STERLING

STATE CO

ZIP 80751

COUNTY LOGAN

PHONE # RESIDENCE (970)571-0185

BUSINESS

(970)526-2647

DRIVER LICENSE #

MOTOR VEHICLE DESCRIPTION

XXXX NEW XXXX USED MILES 47

YEAR 2008 MAKE SAAB MODEL 9-3

COLOR Silver BODY

VIN YS3FB49YX81115773

DELIVERED PRICE 30517.89

ADDITIONAL EQUIPMENT N/A

USED VEHICLE TRADE IN

YEAR _____ MAKE _____ MODEL _____

COLOR _____ MILES _____ N/A

VIN _____

LIC. # _____ TITLE # _____

BAL. OWED \$ _____ N/A

TO _____ ACCT. # _____

QUOTED BY _____ DATE 08/30/08

The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale. Any and all commitments made must be in writing, no verbal agreements.

By: D.E.

ALL USED CARS SOLD "AS IS" UNLESS SEPARATE AGREEMENT IS FURNISHED BUYER.

By: _____

Dealer to arrange financing Yes No

Delivery Date: _____

REMARKS.

PURCHASER'S REPRESENTATION: I hereby represent that I am 18 years of age or older and agree as follows: (1) that this Order is not transferable; (2) that this order comprises the complete and exclusive statement of the terms of my agreement with the Dealer relating to the subject matter of this order, except for any consumer paper executed by me in conjunction with this purchase, and with respect thereto, cancels and supersedes any and all prior agreements or understandings between the Dealer and me; (3) that this order is not valid until accepted by Dealer or his authorized representative. If the purchase is to be financed, this order is not valid until approved by a bank or finance company willing to purchase or enter into a note or other consumer paper and security agreement with me as part of this purchase; (4) that I hereby acknowledge receipt of a fully filled out and completed copy of this order; (5) that upon delivery of the vehicle, this order shall be deemed to constitute a bill of sale for the vehicle.

* **DELIVERY & HANDLING:** This charge represents costs of preparing documents relating to the sale, financing, titling of your purchase.

CAUTION: THIS AGREEMENT CONSISTS OF TWO PAGES. SEE REVERSE SIDE FOR ADDITIONAL TERMS AND CONDITIONS. BUYER(S) HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS AGREEMENT.

THIS AGREEMENT SHALL NOT BECOME BINDING UNTIL ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE. NO VERBAL ORDERS, THIS IS COMPLETE AGREEMENT.

BUYER'S SIGNATURE _____ DATE 08/30/08

BUYER'S SIGNATURE _____ DATE _____

NOT VALID UNLESS ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE.

ROBERT A PRINTZ *[Signature]* TITLE F&I MGR DATE 08/30/08

9705224056 <>

2009-03-02 13:02

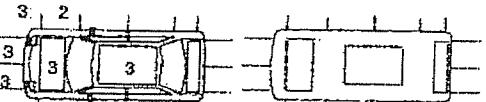
Exhibit 2
Traffic Accident Report

STATE OF COLORADO TRAFFIC ACCIDENT

Declaration of Jeff Kelley Esq. Pg 8 of 33

MAIL TO: STATE OF COLORADO
MOTOR VEHICLE
TRAFFIC RECORDS
DENVER, CO 80261-001

AMENDED/SUPPL. UNDER 1,000 COUNTER REPORT PRIVATE PROPERTY PAGE 1 OF 3 PAGES

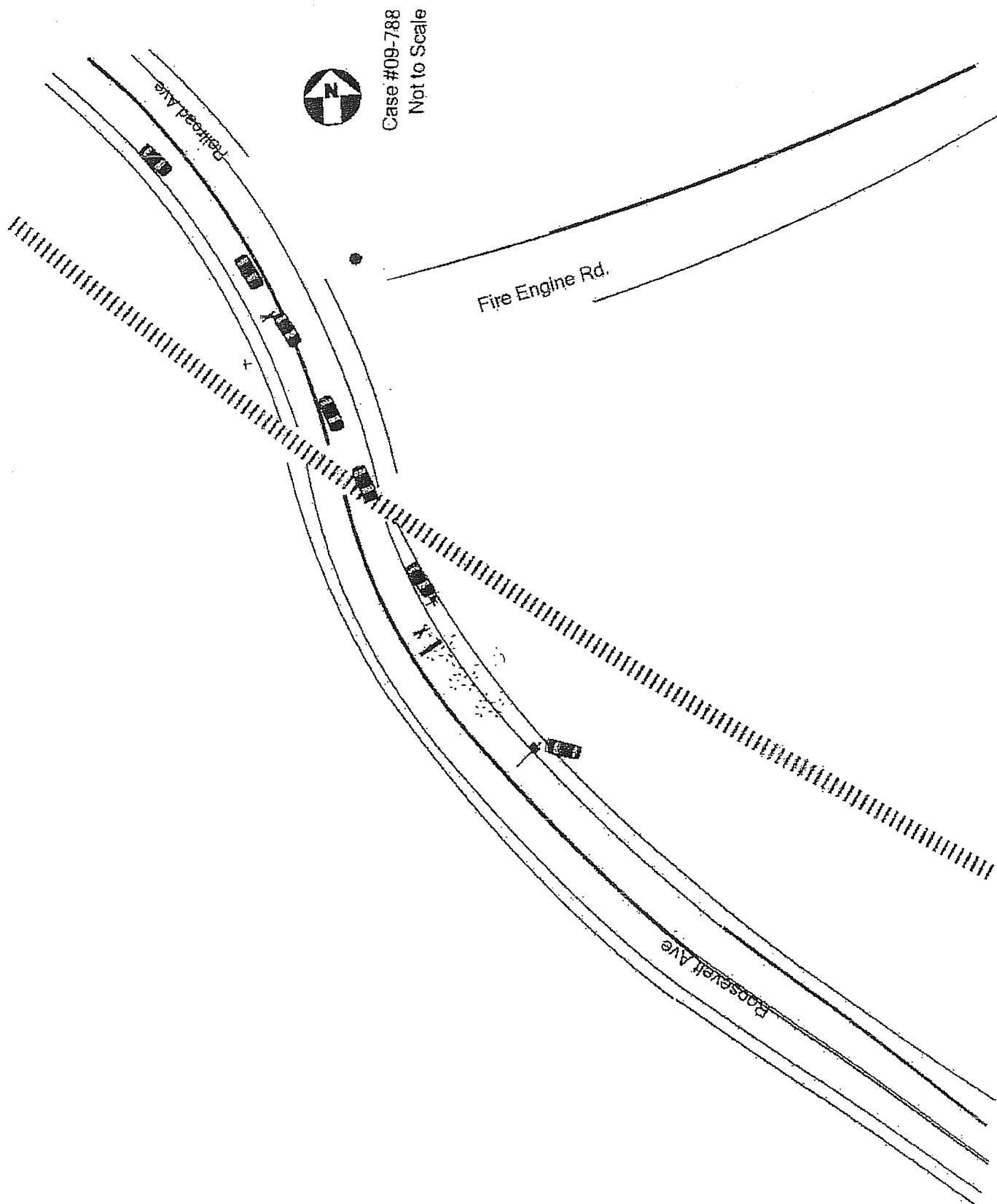
Case # 2009-000788		<input type="checkbox"/> INTERSTATE HWY		HWY NUMBER								
		<input type="checkbox"/> STATE HWY		MILEPOINT								
		<input type="checkbox"/> CITY ST/CNTY RD										
Date of Accident 01/29/2009		City LOVELAND		Agency Loveland Police Department		County Larimer		County # 06				
Time (24 Hr.) 15:52		Officer Number 049		Officer Name S. Watts		Signature				Detail		
Number Killed 0		Number Injured 2		Location Route, Street, Road S RAILROAD AV		Miles	Feet	N <input type="checkbox"/>	S <input type="checkbox"/>	E <input type="checkbox"/>	W <input type="checkbox"/>	OF: <input type="checkbox"/>
Date of Report 01/30/2009				Latitude		Longitude		<input checked="" type="checkbox"/> AT: S ROOSEVELT AV				
Agency Code		Investigated @ Scene <input checked="" type="checkbox"/>	Total Vehicles 1	District Number	Public Property/ Employee <input type="checkbox"/>	Photos Taken <input checked="" type="checkbox"/>	Railroad Crossing Related <input type="checkbox"/>	Const. Zone Related <input type="checkbox"/>	Highway Interch. <input type="checkbox"/>	Bridge Related <input type="checkbox"/>		
Traffic Unit # 1		<input checked="" type="checkbox"/> Veh. <input type="checkbox"/> Parked <input type="checkbox"/> Bicycle <input type="checkbox"/> Pedestrian <input type="checkbox"/> Non-Vehicle <input type="checkbox"/> Non-Contact Veh.	Traffic Unit #		<input type="checkbox"/> Veh. <input type="checkbox"/> Parked <input type="checkbox"/> Bicycle <input type="checkbox"/> Pedestrian <input type="checkbox"/> Non-Vehicle <input type="checkbox"/> Non-Contact Veh.							
Last Name Irwin		First David		MI E	Last Name		First		MI			
Street Address 15693 Deerfield		Personal Phone		Street Address		Personal Phone						
City Sterling		State CO.	ZIP 80751	Bus. Phone		City		State	ZIP	Bus. Phone		
Driver License Number 023650714		CDL	State CO	Sex M	DOB 06/08/1987	Driver License Number		CDL	State	Sex	DOB	
Primary Violation <input checked="" type="checkbox"/> DUI Reckless Driving				Primary Violation: <input type="checkbox"/> DUI								
Violation Code CRS 42-4-1401		Citation Number 284251		Common Code 140		Violation Code		Citation Number		Common Code		
Year 2008	Make Saab	Model 93	Body Type SD		Year	Make	Model		Body Type			
License Plate Number 188PCA		State or County CO		Color SIL		License Plate Number		State or County		Color		
Vehicle Identification Number YS3FB49YX81116773						Vehicle Identification Number						
Vehicle Owner Last Name <input checked="" type="checkbox"/> Same		First		MI	Vehicle Owner Last Name <input type="checkbox"/> Same		First		MI			
Address <input checked="" type="checkbox"/> Same		City		State	ZIP	Address <input type="checkbox"/> Same		City		State	ZIP	
Towed Due to Damage <input checked="" type="checkbox"/> By: Blue Ribbon Towing To:						Towed Due to Damage <input type="checkbox"/> By: To:						
Trailer VIN#						Trailer VIN#						
 1- Slight 2- Moderate 3- Severe						 1- Slight 2- Moderate 3- Severe						
Undercarriage		Undercarriage		Undercarriage		Undercarriage		Undercarriage				
Insurance Company <input type="checkbox"/> None <input type="checkbox"/> No Proof Progressive		Exp. Date 02/26/2009		Insurance Company <input type="checkbox"/> None <input type="checkbox"/> No Proof		Exp. Date						
Policy Number 761792320						Policy Number						
Owner Damaged Prop. Last Name		First		MI	Address 2600 Lemark		City Fort Worth		State TX	ZIP 76131		
Owner Damaged Prop. Last Name		First		MI	Address		City		State	ZIP		
T.U. #	POS.	REST O.	SAFETY EQUIP.	AIR BAG	EJEC T	SUSPECTED ALCO DRUG	INJ SEV.	AGE	SEX	NAME/ADDRESS		
1	01	00	B 00	A 03	F 02	01	03	21	M	Irwin, David E/15693 Deerfield 80751		
P	03		B 01	B 03	F 00			20	M	Rogers, Jeffrey L/432 ELM 80751		
Approved By C. Higney												
I.D. # 006												
Date 01/30/2009												

AA	Case #	00000000000000000000000000000000	Accident Date	01/29/2009	Agency	Loveland Police Department	HH	
AA	Describe Accident						HH	
BB							JJ	
CC							JJ	
CC							KK	
DD							KK	
DD								
EE							LL	
EE								
FF							MM	
FF							MM	
GG							NN	
GG	Carrier Name			US DOT <input type="checkbox"/>		ICC <input type="checkbox"/>	State DOT <input type="checkbox"/>	NN
T.U.	Address			Carrier Identification #				NN
GG	Carrier Name			US DOT <input type="checkbox"/>		ICC <input type="checkbox"/>	State DOT <input type="checkbox"/>	NN
T.U.	Address			Carrier Identification #				NN

CASE NUMBER	DATE OF ACCIDENT	AGENCY
2009-000788	01/29/2009	Loveland Police Department
Describe Accident		Page 3 of 3

On 1/29/09 at 15:52 hours Officer Rob Croner called out an accident at Railroad and Roosevelt with driver ejection. When I arrived paramedics were attending to the driver and I was told by Officer Croner what he had observed. I began my investigation and marked the locations of where the car was at rest and where the railroad crossing tower was at rest.

A silver Saab had been southbound on Railroad and where it crosses over the tracks and becomes Roosevelt the driver lost control and went off the left side of the roadway, crossed the tracks and struck the crossing arm tower. The Saab rolled one time and came to rest on its wheels. The driver, identified as David Irwin was ejected and was hanging out of the driver's door. A male passenger got out of the car and left the scene.



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City of Loveland Police Department

Property Sheet

Department Case Number: 09-000788

Related Case #'s:

Case Information

Case Officer: 130 - Salazar, Andres

Offense Date/Time: 01/29/2009 - 15:52Hrs

Offense Location: S. Railroad Ave. & Fire Engine Rd St

Offense Type: MVA - Motor Vehicle Accident

Expiration Date: 07/29/2009

Jurisdiction: Larimer County

Court Date:

Disposition:

Disposition Date:

Case Comments: Digital Pictures

Case Names

Case Items

Item Number: 001

Container #:

Process: Hold for investigative purposes

Status/Location: Item Submitted into Property - Drop Box/Slot

Collection Date/Time: 01/29/2009 - 15:52Hrs

Collection Purpose: Evidence

Collected By: 130 - Salazar, Andres

Collection Location: Digital Camera

Packaging/Quantity/Item Type: One sealed envelope with: - 1 - CD

Detail Description: CD Containing Digital Pictures of Vehicle and Crash Scene

Owner: There is no owner associated with this item

Notes:

Lab Submissions

Case Officer Signature

Date

Supervisor Signature

DA 3/27/09 *LLB*
Page 1 of 1

Exhibit 3
Estimate of Repairs and Preliminary Supplement

05/01/2009 08:44 970-522-5405

MURPHY INS CENTER

PAGE 05/07

10149646

03/25/2009 at 08:21 AM
29701

Job Number: 712

M & M AUTO SALES & BODY SHOP
302 South 10th Ave
Sterling, CO 80751
(970) 522-9477 Fax: (970) 522-2192

ESTIMATE OF RECORD

Written By: TOM MICHEL 11/18/2008 08:21 AM
Adjuster:

Insured: DAVE IRWIN
Owner: DAVE IRWIN
Address: 352 CORTEZ
STERLING, CO 80751
Day: (970) 571-0185

Claim #
Policy #
Deductible:
Date of Loss:
Type of Loss:
Point of Impact:

Inspect
Location:

Insurance
Company: Days to Repair

2008 SAAB 9-3 4-2.0L-T 4D SED Int:

VIN: YS3FB49YX81115773	Lic:	Prod Date:	Odometer:
Air Conditioning	Rear Defogger	Tilt Wheel	
Cruise Control	Telescopic Wheel	Intermittent Wipers	
Keyless Entry	Theft Deterrent/Alarm	Steering Wheel Controls	
Message Center	Tinted Glass	Body Side Moldings	
Wood Interior Trim	Dual Mirrors	Console/Storage	
Traction Control	Stability Control	Fog Lamps	
Signal Integrated Mirrors	Clear Coat Paint	Power Steering	
Power Brakes	Power Windows	Power Locks	
Power Driver Seat	Power Mirrors	Heated Mirrors	
AM Radio	FM Radio	Stereo	
Search/Seek	CD Player	Satellite Radio	
Anti-Lock Brakes (4)	Driver Air Bag	Passenger Air Bag	
Head/Curtain Air Bags	Front Side Impact Air Bag	Rear Side Impact Air Bags	
4 Wheel Disc Brakes	Communications System	Leather Seats	
Bucket Seats	6 Speed Transmission	Overdrive	
Aluminum/Alloy Wheels			

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		FRONT DOOR				
2	Repl	LT Outer panel	1	455.00	6.0	2.2
3		Add for Clear Coat				0.9
4		Add for mirror			0.4	
5		Add for Edging				0.5
6		Add for Clear Coat				0.1
7		Add for Inside				0.5
8		Add for Clear Coat				0.1
9	R&J	LT R&I trim panel			Incl.	

03/25/2009 at 08:21 AM
29701

Job Number: 712

ESTIMATE OF RECORD
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
10#	Repl	PANEL BOND KIT	1	55.63		
11		REAR DOOR				
12	Blnd	LT Door shell				1.1
13	R&I	LT R&I trim panel			0.4	
14	R&I	LT Handle, outside			0.3	
15	R&I	LT Belt w' strip			0.3	
16		FENDER				
17	Blnd	LT Fender				1.0
18	R&I	LT Fender liner 2.0L			0.3	
19		FRONT LAMPS				
20	R&I	LT Repeater lamp			0.1	
21		FRONT BUMPER & GRILLE				
22	R&I	R&I bumper assy			1.2	
23		PILLARS, ROCKER & FLOOR				
24*	R&I	<u>LT Rocker molding</u>			0.4	
25*	Rpt	LT Rocker molding black			<u>0.3</u>	<u>0.8</u>
26#	Refn	CORROSION PRO.				0.3
27#	Refn	SAND AND BUFF				1.0
Subtotals ==>			510.63	9.7	8.5	

Parts		510.63
Body Labor	9.7 hrs @ \$ 50.00/hr	485.00
Paint Labor	8.5 hrs @ \$ 50.00/hr	425.00
Paint Supplies	8.5 hrs @ \$ 34.00/hr	289.00
SUBTOTAL		\$ 1709.63
Sales Tax	\$ 799.63 @ 7.0000%	55.97
GRAND TOTAL		\$ 1765.60

ADJUSTMENTS:	
Deductible	0.00
CUSTOMER PAY	\$ 0.00
INSURANCE PAY	\$ 1765.60

IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

05/01/2009 08:44

970-522-5405

MURPHY INS CENTER

PAGE 07/07

Job Number: 712

03/25/2009 at 08:21 AM

29701

ESTIMATE OF RECORD

2008 SAAB 9-3 4-2.0L-T 4D SED Int:

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ERK7320, CCC Data Date 10/01/2008, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (-) items indicate MOTOR Non-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as NM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recnd. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Found sign (#) items indicate manual entries. Some 2009 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

05/04/2009 at 04:33 PM
29701

Job Number: 712

M & M AUTO SALES & BODY SHOP
302 South 10th Ave
Sterling, CO 80751
(970)522-9477 Fax: (970)522-2192

PRELIMINARY SUPPLEMENT 1 WITH SUMMARY

Written By: TOM MICHEL
Adjuster:

Insured: DAVE IRWIN
Owner: DAVE IRWIN
Address: 352 CORTEZ
STERLING, CO 80751
Day: (970)571-0185

Claim #
Policy #
Deductible:
Date of Loss:
Type of Loss:
Point of Impact:

Inspect
Location:

Insurance
Company: Days to Repair

2008 SAAB 9-3 4-2.0L-T 4D SED Int:

VIN: YS3FB49YX81115773	Lic:	Prod Date:	Odometer:
Air Conditioning	Rear Defogger	Tilt Wheel	
Cruise Control	Telescopic Wheel	Intermittent Wipers	
Keyless Entry	Theft Deterrent/Alarm	Steering Wheel Controls	
Message Center	Tinted Glass	Body Side Moldings	
Wood Interior Trim	Dual Mirrors	Console/Storage	
Traction Control	Stability Control	Fog Lamps	
Signal Integrated Mirrors	Clear Coat Paint	Power Steering	
Power Brakes	Power Windows	Power Locks	
Power Driver Seat	Power Mirrors	Heated Mirrors	
AM Radio	FM Radio	Stereo	
Search/Seek	CD Player	Satellite Radio	
Anti-Lock Brakes (4)	Driver Air Bag	Passenger Air Bag	
Head/Curtain Air Bags	Front Side Impact Air Bag	Rear Side Impact Air Bags	
4 Wheel Disc Brakes	Communications System	Leather Seats	
Bucket Seats	6 Speed Transmission	Overdrive	
Aluminum/Alloy Wheels			

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		FRONT DOOR				
2	Repl	LT Outer panel	1	455.00	6.0	2.2
3		Add for Clear Coat				0.9
4		Add for mirror			0.4	
5		Add for Edging				0.5
6		Add for Clear Coat				0.1
7		Add for Inside				0.5
8		Add for Clear Coat				0.1
9	R&I	LT R&I trim panel				Incl.

05/04/2009 at 04:33 PM
29701

Job Number: 712

PRELIMINARY SUPPLEMENT 1 WITH SUMMARY
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
10#	Repl	PANEL BOND KIT	1	55.63			
11	S01	Repl LT Lower seal clip	9	17.10		Incl.	
12	S01	Repl LT Lower seal retainer	9	17.10		Incl.	
13	S010	Repl LT Sound absorber	1			Incl.	
14		REAR DOOR					
15	Blnd	LT Door shell					1.1
16	R&I	LT R&I trim panel			0.4		
17	R&I	LT Handle, outside			0.3		
18	R&I	LT Belt w' strip			0.3		
19		FENDER					
20	Blnd	LT Fender					1.0
21	R&I	LT Fender liner 2.0L			0.3		
22		FRONT LAMPS					
23	R&I	LT Repeater lamp			0.1		
24		FRONT BUMPER & GRILLE					
25	R&I	R&I bumper assy			1.2		
26		PILLARS, ROCKER & FLOOR					
27*	R&I	LT Rocker molding			0.4		
28*	Rpr	LT Rocker molding black			0.3		0.8
29#	Refn	CORROSION PRO.					0.3
30#	Refn	SAND AND BUFF					1.0
31#	S01	Repl	1				

Subtotals ==> 544.83 9.7 8.5

Parts		544.83
Body Labor	9.7 hrs @ \$ 50.00/hr	485.00
Paint Labor	8.5 hrs @ \$ 50.00/hr	425.00
Paint Supplies	8.5 hrs @ \$ 34.00/hr	289.00
SUBTOTAL		\$ 1743.83
Sales Tax	\$ 833.83 @ 7.0000%	58.37
GRAND TOTAL		\$ 1802.20

ADJUSTMENTS:	
Deductible	0.00
CUSTOMER PAY	\$ 0.00
INSURANCE PAY	\$ 1802.20

05/04/2009 at 04:33 PM
29701

Job Number: 712

PRELIMINARY SUPPLEMENT 1 WITH SUMMARY
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ERK7320, CCC Data Date 03/02/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (-) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2009 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

05/04/2009 at 04:33 PM
29701

Job Number: 712

PRELIMINARY SUPPLEMENT 1 WITH SUMMARY
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
----- ADDED ITEMS -----							
11	S01	Repl LT Lower seal clip	9	17.10		Incl.	
12	S01	Repl LT Lower seal retainer	9	17.10		Incl.	
13	S010	Repl LT Sound absorber	1			Incl.	
31#	S01	Repl	1				
Subtotals ==>				34.20	0.0	0.0	

Parts	34.20
SUBTOTAL	\$ 34.20
Sales Tax	\$ 34.20 @ 7.0000%
Additional Supplement Taxes	0.01
TOTAL SUPPLEMENT AMOUNT	\$ 36.60
NET COST OF SUPPLEMENT	\$ 36.60

Estimate 1765.60 TOM MICHEL
Supplement S01 36.60 TOM MICHEL

Job Total \$ 1802.20 INSURANCE PAY \$ 1802.20

IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

05/04/2009 at 04:33 PM
29701

Job Number: 712

PRELIMINARY SUPPLEMENT 1 WITH SUMMARY
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ERK7320, CCC Data Date 03/02/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (-) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2009 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

The Estimate of Repair includes parts, labor, diagnosis, and any applicable taxes. If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for loss or damage to your vehicle from fire, theft, accidents or any cause beyond our control. All tests will be made by our employees at your risk.

AUTHORIZED SIGNATURE: John Stine

DATE: 11-11-2008

ADD'L REPAIR AUTHORIZATION AMOUNT: \$ 36.60 DATE: 11-11-2008

PHONE NO.: _____ TIME: _____ PERSON CONSENTING: _____

If vehicle is returned to customer before authorized repairs are performed, a diagnostic and handling charge, including reassembly, will be made.

POWER OF ATTORNEY - «Field 23»

I do hereby appoint the aforementioned business as my attorney in fact to accept on my behalf any and all checks, drafts, or bills of exchange for deposit to the aforementioned business' account for credit on my account for repairs on my vehicle which has been released and accepted.

ACCEPTED BY: M&M AUTO BODY & REPAIR
302 South 10th Ave.
Sterling, CO 80751
Phone 970-522-9470 FAX 970-522-2164 DATE: 11-11-2008

«Field 23»

DEDUCTIBLE: \$ «Field 45»

Received From	Amt Rec'd	Type of Payment	Balance Due
	\$ <u>Claim No. 500-9631</u>		\$ <u>36.60</u>
	\$ _____		_____
	\$ _____		_____
	\$ _____		_____

Exhibit 4
Letter from ESIS/GM Central Claims Unit



esis

ESIS/GM Central Claims Unit
P.O. Box 300
Mail Code 482 C19 B61
Detroit, MI 48265-3000

800.888.0164 *tel*
313.665.0911 *fax*

Paul Olie
Claims Administrator

April 1, 2009

PHIL HARDING
HARDING & ASSOCIATES
730 17TH STREET, #650
DENVER, CO 80202

RE: Claimant: David Irwin
Our File No.: 668545
Our Client: General Motors Corporation
Date/Event: 1/29/2009
Subject Vehicle: 2008 Saab 9-3
VIN: YS3FB49YX81115773

Dear Mr. Harding:

This letter serves to notify you that GM will be attempting to purchase the subject vehicle when it is auctioned.

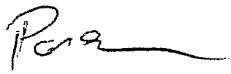
However, the subject vehicle and its related components are the evidence of your client's claim. While GM is making an effort to purchase and preserve the subject vehicle, it is your client's obligation and responsibility to ensure that the subject vehicle and its related components are maintained and preserved in their immediate post-incident condition for as long as he intends to pursue a claim and/or cause of action.

So we may further investigate your claim regarding the driver's door of the subject vehicle, we request that you provide us with the following information:

1. Statement describing the incident, outlining the date, time and events regarding this matter. Also statements of other witnesses, if available would be appreciated;
2. Proof of defect in the subject vehicle, including expert's reports, mechanic statements, or other supporting documentation;
3. All medical records concerning the injuries suffered as a result of this accident;
4. Original photographs (or color copies) taken by you, or someone on your behalf, of the vehicle that is the basis of your claim;
5. Documentation to substantiate the type and amount of damages claimed;

When we have received this information, we will be in a better position to consider your claim. Should you have any questions regarding this letter or your claim, please do not hesitate to contact me directly at 800.888.0164, Monday through Friday, 8:00 a.m. to 4:30 p.m., EST

Sincerely,



Paul Ollie
Claims Administrator

Exhibit 5
Letter from Bastiaan E. Cornelissen, Ph.D., P.E.



May 25, 2009

EAG118-09

Mr. Robert I. Lapidow, Esq.
Overturf, McGath, Hull & Doherty
625 East 16th Avenue, Huddart Terrace
Denver, Colorado 80203

Re: Your Client: M&M Auto Body

Dear Mr. Lapidow:

Per your request, Event Analysis Group, LLC performed a non-destructive inspection of the Irwin Saab at Front Range Automotive on May 19, 2009 in the presence of representatives for GM and Irwin. Based on the results of this preliminary inspection, I recommend the following additional steps:

- Document condition of door.
- Remove driver's door by removing bolts connecting hinges to door. Leave hinges attached to car body. Disconnect other components as required to free door.
- Remove door skin panels to expose lock mechanism, window actuators, and other internal components.
- Examine linkages and other internal door components.
- Operate door lock mechanism to determine post-impact functionality
- Other tests and inspections as agreed to by parties present.

Very truly yours,

EVENT ANALYSIS GROUP, LLC

A handwritten signature of Bastiaan E. Cornelissen, Ph.D. P.E. is overlaid on a circular, embossed-style seal. The seal contains the text 'B. E. CORNELISSEN, PH.D., P.E.', 'REG. NO. 201', and 'PROFESSIONAL ENGINEER'.

Bastiaan E. Cornelissen, Ph.D. P.E.
Principal

16154 Sandstone Drive
Morrison, CO 80465
(303) 503-0411

Exhibit 6
E-Mail Messages to Debtors and Professionals

From: Falabella, Pablo <pablo.falabella@weil.com>
To: Jeff Kelley <kelleylawfirm@aol.com>
Cc: phil@hlaw.org <phil@hlaw.org>; [REDACTED]
Subject: RE: Our Client / Claimant: David Irwin - Proof of Claim No: 25376
Date: Tue, May 4, 2010 2:50 pm

I will pass this along to the client and inform you once I hear back from them.

Thanks,

Pablo Falabella
Weil, Gotshal & Manges LLP
Direct Dial: (212) 310-8050 | Fax: (212) 310-8007
767 Fifth Avenue, New York, NY 10153
pablo.falabella@weil.com

From: Jeff Kelley [mailto:kelleylawfirm@aol.com]
Sent: Tuesday, May 04, 2010 4:48 PM
To: Falabella, Pablo
Cc: phil@hlaw.org; [REDACTED]
Subject: Re: Our Client / Claimant: David Irwin - Proof of Claim No: 25376

Dear Mr. Falabella, I am following up on the status of the ADR process as it applies to Mr. David Irwin's claims. Specifically, the vehicle in which Mr. Irwin was injured is being held in storage, in Englewood Colorado, at the direction and control of ESIS. Access to the vehicle is required for destructive testing and analysis to determine the at fault party. I would greatly appreciate your looking into this claim and contacting me at your earliest convenience to determine if ADR will be scheduled for this case in the near future, or other arrangements will be made for testing of the vehicle prior to the ADR process. Thank you.

Jeff Kelley, Esq.
Harding & Associates, P.C.
730 17th Street, Suite 650
Denver, CO 80202
tel. 303-762-9500
fax. 303-399-9689
jeff@hlaw.org
www.hlaw.org

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email (postmaster@weil.com), and destroy the original message. Thank you.

From: Jeff Kelley <kelleylawfirm@aol.com>
To: cwagner@alixpartners.com
Bcc: Kelleylawfirm@aol.com; phil@hlaw.org
Subject: Proof Of Claim for David Irwin, Claim number 25376
Date: Fri, Jan 22, 2010 1:19 pm
Attachments: Irwin_Proof_of_Claim_for_BR_ct.pdf (7730K)

Dear Ms. Wagner, thank you for your call today. As we discussed, I am attaching the supplemental information filed with Mr. Irwin's proof of claim. Please let me know if you need anything further to address our request for further testing on the subject automobile.

Jeff Kelley, Esq.
Harding & Associates, P.C.
730 17th Street, Suite 650
Denver, CO 80202
tel. 303-762-9500
fax. 303-399-9689
jeff@hlaw.org
www.hlaw.org

From: Jeff Kelley <kelleylawfirm@aol.com>
To: brianna.benfield@weil.com
Bcc: Kelleylawfirm@aol.com; phil@hlaw.org
Subject: David Irwin Proof of Claim; Claim number 25376
Date: Tue, Jan 19, 2010 11:21 am
Attachments: Irwin_Proof_of_Claim_for_BR_ct.pdf (7730K)

Dear Ms. Benfield, thank you for your call today. As we discussed, I am attaching the supplemental information filed with Mr. Irwin's proof of claim. Please let me know if you need anything further to address our request for further testing on the subject automobile.

Jeff Kelley, Esq.
Harding & Associates, P.C.
730 17th Street, Suite 650
Denver, CO 80202
tel. 303-762-9500
fax. 303-399-9689
jeff@hlaw.org
www.hlaw.org

From: Jeff Kelley <kelleylawfirm@aol.com>
To: vicki.r.williams@gm.com
Bcc: Kelleylawfirm@aol.com; phil@hlaw.org
Subject: ESIS File No. 668545 - OUR Client, David Irwin - Concerning 2008 Saab
Date: Fri, Jan 15, 2010 12:07 pm
Attachments: Irwin_Proof_of_Claim_for_BR_ct.pdf (7730K)

Ms. Williams, thank yo for looking into the options we may have to pursue our investigation of this matter, specifically, further testing of the 2008 Saab. As I mentioned, I am forwarding a copy of our proof of claim, which includes a "Summary Of Proof Of Claim and Additional Documents To Support Claim". I hope this information will be helpful to you in discussing this with counsel. The MCL claim number is 25376 and the schedule number is 1719703. Thank you for your assistance.

Jeff Kelley, Esq.
Harding & Associates, P.C.
730 17th Street, Suite 650
Denver, CO 80202
tel. 303-762-9500
fax. 303-399-9689
jeff@hlaw.org
www.hlaw.org